

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KALYN E. HOGATT,

and

JAMES R. SEARS,

Defendants.

CASE NUMBER 20-MJ-7137-MAB

FILED UNDER SEAL

CRIMINAL COMPLAINT

I, Jacob Frechette, Special Agent with the Federal Bureau of Investigations, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

COUNT 1

ATTEMPTED ENTICEMENT OF A MINOR

On or between May 25, 2020 and June 27, 2020, the defendants, in Madison County, Illinois, within the Southern District of Illinois, and elsewhere,

KALYN E. HOGATT and JAMES R. SEARS,

defendants herein, using facilities of interstate commerce, that is a cellphone connected to the Internet, did knowingly attempt to persuade, induce, entice, and coerce an individual who had not attained the age of 18 years, to engage in sexual activity under such circumstances as would constitute a criminal act under 720 ILCS 5/11-1.60(d) (Aggravated Criminal Sexual Abuse), in violation of 18 United States Code, Section 2422(b).

COUNT 2
ATTEMPTED PRODUCTION
OF CHILD PORNOGRAPHY

On or about June 14, 2020, the defendant, within the Southern District of Illinois, and elsewhere,

KALYN E. HOGATT,

defendant herein, did knowingly attempt to employ, use, persuade, induce, entice, and coerce a minor, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, which depicts the lascivious display of a minor's genitals, using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, all in violation of Title 18, United States Code, Section 2251(a) and (e).

AFFIDAVIT

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) assigned to the FBI's Springfield Division, Fairview Heights Resident Agency, in Fairview Heights, Illinois. I have been employed by the FBI since January 2019. My employment has vested me with the authority to investigate violations of federal law, including Title 18, U.S.C. §§ 2251, 2252, 2252A, and 2422, all involving the Sexual Exploitation and Other Abuse of Children. During my time at the FBI Academy and while working the violation, I have received training in a variety of investigative and legal matters, including topics of searches, drafting search warrant Affidavits, and Probable Cause. I am presently assigned to the Springfield Violent Crimes Against Children Squad, which focuses on investigating individuals and dismantling organizations responsible for the sexual exploration of children through the manufacture and distribution of child pornography. I am a "federal law enforcement officer" within the meaning of Federal Rule of

Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws.

2. I have investigated and assisted in the investigation of criminal matters involving the sexual exploitation of children that constituted violations of Title 18, United States Code, Sections 2251, 2252, 2252A, and 2422. In connection with such investigations, I have served as case agent, have been the affiant for several search warrants and I have conducted interviews of subjects, victims, and witnesses. As a federal agent, I am authorized to investigate and assist in the prosecution of violations of laws of the United States, and to execute search warrants and arrest warrants issued by federal and state courts.

3. The statements contained in this affidavit are based on my personal knowledge as well as on information provided to me by other law enforcement officers. This affidavit is being submitted for the limited purpose of securing a criminal complaint and an arrest warrant, and I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that KALYN E. HOGATT and JAMES R. SEARS committed violations of Title 18, United States Code, Sections 2251(a), 2251(b), and 2422(b).

4. On June 26 and 27, 2020, agents from the Federal Bureau of Investigation, along with a joint taskforce of various state and federal law enforcement agencies conducted an undercover investigation targeting subjects who were attempting to engage in sexual activity with minors.

5. Starting on approximately May 25, 2020, through June 26, 2020, undercover agents began posting ads on various online social media and dating platforms and applications. The ads were primarily dating profiles showing photos of young-looking male and female adult

confidential sources. The ads all state that the person's age is 18 as that is the minimum age required for the websites.

6. A residence in Collinsville, Illinois was obtained to be the FBI Online Covert Employee ("OCE") location that targets were directed to for the purpose of engaging in sexual activity with the fictitious minors from the online profiles.

7. On or about May 25, 2020, a Special Agent with FBI, acting in authorized undercover capacity, was operating a profile on a popular online dating/chatting application. The FBI Online Covert Employee ("OCE") profile displayed an age of eighteen (18) years old. The OCE user profile was "Clay" and included a picture of a male cooperating witness's face.

8. On May 25, 2020, at approximately 1:52 p.m. a target user with the name "James", initiated a message conversation with the OCE profile "Clay." The target profile picture depicted an adult male wearing a collared shirt. Two additional profile pictures depicted two adult males, later identified as SEARS and HOGATT. SEARS profile stated "My bf and I are looking for a younger playmate for some NSA fun". The OCE responded to the message and identified himself as a minor in the following excerpt:

SEARS: Oh nice...my boyfriend and I are looking for a third to join us for a little bit of NSA fun..

OCE: Cool. You into younger?

SEARS: Yes, actually that's exactly what we're looking for¹

OCE: Cool. Well I'm young... lol. I'm afraid to say my age

SEARS: Welllll... I can assure you that we don't care

¹ All chats are copied verbatim except for the removal of emoticons

OCE: Ok... I'm 13...

SEARS: Oh really?

OCE: Yeah... I understand if that's too young for u.

SEARS: It's ok with us if it's ok with you

OCE: I'm cool with it. Lol. As long as my parents dont find out. They would die

....

OCE: Is your bf ok with me being so young?

SEARS: Yup he is

9. During the conversation, at approximately 6:34 p.m. a target user with the name "Hey", initiated a message conversation with the OCE profile "Clay." The target profile picture depicted an adult male wearing a black shirt. One additional profile picture, which appeared to be the same picture posted by target user "James", which depicted two adult males. Law enforcement later identified target user "Hey" as HOGATT. HOGATT's profile stated "Couple looking for friends. Be kind and most importantly be yourself." The OCE responded to the message and the OCE identified himself as a minor in the following excerpt:

HOGATT: My boyfriend just told me about you, you're incredibly cute!!

OCE: Awe hey you guys are cute too! Did he tell you I'm 13? Lol

HOGATT: Yes he did.

OCE: Ok. Some guys aren't into that young. Lol

HOGATT: Well you don't have to worry about that from us.

10. During the course of the chat, SEARS and HOGATT separately tell the OCE that they will create a group chat through text message. On May 25, 2020 at 6:45 p.m., the OCE

received a group text message from two individuals identifying themselves as SEARS and HOGATT.

11. During the course of the messages, SEARS and HOGATT indicate their interest in a sexual encounter with the OCE in the following exchange:

HOGATT: Clay, maybe you and I can tag team James and give him pleasure he has never had before.

OCE: Now you're talking. Lol

SEARS: After you're done, I'll gladly return the favor lol

OCE: Sounds like a plan. Lol

HOGATT: I would to know what your ass tastes like.

....

HOGATT: Have you ever try cum?

OCE: I have once. Lol

HOGATT: Did you like it?

OCE: It was ok. Lol. I will have to get used to the taste.

SEARS: We'll help you with that...I'd love to see how yours tastes

12. On May 27, 2020, at approximately 5:18 p.m., the following conversation occurred between HOGATT, SEARS, and the OCE:

SEARS: Oh we'll definitely figure something out...maybe well grab a hotel room or something

....

HOGATT: And take in my mouth, giving you the pleasure you deserve.

...

HOGATT: Feeling it grow hard in my mouth and tasting your precum

...

HOGATT: How would you feel if I wanted to finger that tight boy hole while having your cock in my throat?

OCE: I think I would be into that. So hot

HOGATT: Mmmm. I'm so horny right now.

OCE: Omg me too

SEARS: Me three lol

13. On May 29, 2020, at approximately 8:41 p.m., HOGATT and SEARS have the following conversation with the OCE:

SEARS: We would love to take turns with you

....

HOGATT: Me holding your legs up rubbing my crotch on that cute little butt, while james focuses all his energy on your smooth cock.

....

SEARS: He slowly fingers your hole while I pleasure you till you burst in my mouth

HOGATT: Mmmm.

14. One June 14, 2020, beginning at approximately 6:09 p.m., HOGATT and SEARS had the following sexually explicit conversation with the OCE and discussed a dog collar. During the conversation, HOGATT also requested a sexually explicit photo from the OCE:

HOGATT: I want to Lube up your tight hole with my tongue and put a little lube on my cock and slide it into your tight virgin hole.

OCE: Omg I literally cannot wait

SEARS: And while he's doing that you're sucking on my cock as though you needed it to survive

....

HOGATT: I bought you something but I dont think it will arrive before we meet, at least for the first time.

OCE: Omg what is it?

HOGATT: I think it should be a surprise...lol but you can guess.

...

OCE: Is it a dog tag with my name? Lol

HOGATT: Nope. But that is one thing we will be getting for you. Lol

...

HOGATT: I would love to see a pic of the meat james and I will be eating since you wont show us a pic of the booty. Hehe

OCE: You mean like my weaner? Lol

SEARS: I do believe that's what he means lol

OCE: Is that what your asking for Mr Kalyn. Lol

HOGATT: That is exactly what I'm asking for my love!

15. On June 21, 2020, the OCE asks if HOGGAT and SEARS are coming to meet the OCE on Saturday. HOGGAT and SEARS agree to the meeting. HOGGAT informs the OCE that HOGGAT and SEARS plan to get a hotel in the area on Saturday but will pick the OCE up from the OCE residence to take back to the hotel.

16. On Saturday, June 27, 2020, at approximately 4:52 p.m., SEARS requested an address from the OCE. SEARS identified his vehicle as a Gray Honda. HOGGAT directed the OCE to enter their vehicle on the driver side passenger door. At approximately 5:03 p.m., HOGGAT messaged the OCE "We're here". HOGGAT and SEARS were approached by law enforcement and taken into custody.


17. HOGGAT was advised of his constitutional rights and provided a recorded statement to law enforcement. HOGGAT acknowledged his conversations with the OCE.

HOGGAT admitted he knew the OCE was a 13 year old minor. HOGGAT admitted he and SEARS intended to have sexual intercourse and oral sex with the OCE. HOGGAT admitted that he and SEARS had booked a hotel room for that purpose.

18. SEARS was advised of his constitutional rights and provided a recorded statement to law enforcement. SEARS acknowledged his conversations with the OCE. SEARS admitted he knew the OCE was a 13 year old minor. SEARS admitted he and HOGGAT intended to have sexual intercourse and oral sex with the OCE. SEARS admitted that he and HOGGAT had booked a hotel room for that purpose.


19. A dog collar was seized from the vehicle that SEARS and HOGGAT arrived in along with a dog tag with "Clay" engraved on the tag.

20. Based on the foregoing, I submit that there is probable cause to believe on and between May 25 and June 27, 2020, KALYN E. HOGGAT and JAMES R. SEARS, used a facility and means of interstate commerce, specifically his cellular telephone, and knowingly attempted to persuade, induce, and entice an individual who had not attained the age of 18 years, to engage in a sexual activity for which a person could be charged in violation of 18 U.S.C. 2422(b); and KALYN E. HOGGAT knowingly attempted to employ, use, persuade, induce, entice, and coerce a minor, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, which depicts the lascivious display of a minor's genitals, using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, all in violation of Title 18, United States Code, Section 2251(a) and (e).



Jacob Frechette, Special Agent
Federal Bureau of Investigation

STEVEN D. WEINHOEFT
United States Attorney



Alexandria M. Burns
Assistant United States Attorney

Subscribed and sworn to before me this 29th day of June, 2020, within the
Southern District of Illinois.



Mark A. Beatty
United States Magistrate Judge